IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FOURTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 3350 of 2005

Between:

Smt.M.C. Lakshmamma W/o.B.Gopal
R/o.Jakkireddypalli Village, Ambadur Mandal, Ananthapur

District.

..... PETITIONER

AND

1 The Joint collector Ananthapur, Ananthapur District.
2 The Revenue Divisional Officer Dharmavaram Division,

Dharmavaram, Ananthapur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus or any other appropriate writ, declaring the action of the 1st respondent in rejecting the stay petition of the petitioner filed along with his appeal which was filed questioning the cancellation of Fair Price Shop Authorization of the petitioner through Vide Proceedings No.RC F/1576/2003 dt.21.6.2004 of the 2nd respondent through Vide Proceedings No.RcK4/DMV/834/04 dt.31.1.2005 of the 1st respondent as illegal, arbitrary in violation of principles of natural justice and in violation of Art.14 & 21 of the Constitution of India and consequently direct the respondent to continue the petitioner as Fair Price Shop Dealer of Jakkireddypalli Village, Kambadur Mandal Ananthapur District.

Counsel for the Petitioner: MR.S.D.GOWD

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court, at the stage of admission, made the following :

ORDER:

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Petitioner was appointed as a dealer for the fair price shop of Jakkireddypalli Village, Ambadur Mandal, Anantapur District, on 29.08.2000. Thereafter, her authorization was suspended on 08.11.2003. After certain proceedings ensued at the instance of the petitioner the order of suspension was revoked by this Court, through its order, dated 21.04.2004 in W.P.No.7505 of 2004.

Petitioner was issued a show cause notice dated 27.05.2004, directing her to explain as to why the authorization shall not be cancelled. She submitted explanation on 05.06.2004. On consideration of the same, the 2nd respondent cancelled the authorization of the petitioner on 21.06.2004. Aggrieved thereby, petitioner preferred an appeal before the 1st respondent together with an application for stay. Through his order, dated 31.01.2005, the 1st respondent dismissed the application for stay. The same is challenged in this writ petition.

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

Though the petitioner had referred to several proceedings including three writ petitions filed by her before the order of cancellation came to be passed, this Court is not inclined to deal with the same, at this stage. The fact remains that she availed

the remedy of appeal against the order of cancellation and the appellate authority rejected the application for stay. If the appeal is preferred against the orders of cancellation or orders appointing an individual as dealer, it is rather difficult to expect any interim orders. The validity or otherwise of the said orders needs to be considered only at the hearing of the appeals, and except in rare cases the interim orders cannot be passed. The case on hand does not fall into the category of rare cases, since the order of cancellation was passed after issuing a show cause notice.

Therefore, this Court is not inclined to grant any relief to the petitioner, at this stage. The 1st respondent is directed to dispose of the appeal itself within a period of six weeks from the date of receipt of a copy of this order. It is further directed that till the disposal of the appeal preferred by the petitioner, no dealer shall be appointed on regular basis in the place of the petitioner

The writ petition is accordingly disposed of. There shall be no order as to costs.

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L.NARASIMHA REDDY, J

Dated : 24.02.2005

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To

1 The Joint collector Ananthapur, Ananthapur District.
2 The Revenue Divisional Officer Dharmavaram Division,

Dharmavaram, Ananthapur District.

3 2 CCs to G.P. for Civil Supplies, High Court Buildings, Hyderabad

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